

REMARKS

Reexamination and reconsideration of the claims 10 and 12-22, and consideration of new claims 28-31, is respectfully requested. Applicants acknowledge with appreciation the allowance of claims 1-9 and 23-27.

Claims 2, 6, 17, and 22 were amended to recite the traditional conjunction used with a Markush group, i.e., "and" was inserted for "or". The amendment of claims 2, 6, 17, and 22 is not an admission that the art of record discloses, teaches, or otherwise suggests the limitations of the claims.

Claims 10 and 12-13 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No. 5,165,003 ('003). The '003 patent requires a tube 20 containing a waterblocking material 22 along with units 14 of optical fibers 16 therein. See the Abstract of the '003 patent. More specifically, waterblocking material 22 is a grease composition as evidenced by the patents referenced by the '003 patent in relation to waterblocking material 22. See the '033 patent at Col. 5, ll. 24-29 and the Front Page of U.S. Pat No. 4,701,016 attached hereto. For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention.

It is respectfully submitted that at least each and every feature of claim 10 is not disclosed either explicitly, or inherently, by the '033 patent. Specifically, waterblocking material 22 of the '003 patent is a grease as evidence by the 4,701,016 patent titled Thixotropic Grease Composition and Cable Comprising the Same, which the Front Page is attached hereto. See the '003 patent at Col. 5, ll. 24-29.

On the other hand, claim 10 recites, *inter alia*, a fiber optic cable excluding a grease or a grease-like composition being in contact with the at least one bundle for filling interstices of the cable thereby blocking water from flowing through the cable. For at least these reasons, withdrawal of the sec. 102(b)

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rejection of claims 10 and 12-13 is warranted and is respectfully requested.

Claim 14 was rejected under 35 U.S.C. sec. 103(a) applying the '003 patent in view of U.S. Pat. No. 5,561,730 ('730). For at least the reasons stated above with respect to claim 10, withdrawal of the sec. 103(a) rejection of claim 14 is warranted and is respectfully requested.

Claim 15 was rejected under 35 U.S.C. sec. 103(a) applying the '003 patent without a teaching reference. For at least the reasons stated above with respect to claim 10, withdrawal of the sec. 103(a) rejection of claim 15 is warranted and is respectfully requested.

Claims 16-20 and 22 were rejected under 35 U.S.C. sec. 103(a) applying the '003 patent in view of U.S. Pat. No. 5,345,526 ('526). The rejection states that the '003 patent excludes "a grease or grease-like material for filling the gaps in order to block water infiltration." See p. 4 of the Office Action dated September 2, 2003. This is an untrue assertion regarding the '003 patent and contrary to the objective evidence of record. Specifically, as stated above the '003 patent requires a grease-like waterblocking material 22 within tube 20 that contacts optical fibers 16. For at least this reason, withdrawal of the sec. 103(a) rejection of claims 16-20 and 22 is warranted and is respectfully requested.

Claim 21 was rejected under 35 U.S.C. sec. 103(a) applying the '003 and '526 patents in view of the '730 patent. For at least the reasons stated above with respect to claims 16, withdrawal of the sec. 103(a) rejection of claim 21 is warranted and is respectfully requested.

Additionally, Applicants disagree with the statement of reasons for allowance of claim 1. Specifically, the reason for the allowance of claim 1 states that "the prior art made of record, alone or in combination, fails to teach or reasonably

suggest a separation layer that is in contact with at least one fiber bundle and is also in contact with a cable jacket in the combination as recited in claim 1. The required contact between the claimed elements excludes any other fillers or layers to be present in between the elements." Applicants assert that the reasons for the allowance of claim 1 inserts unrecited limitations into the claim.

Applicants do not admit and/or agree that claim 1 excludes any other fillers or layers to be present in between the elements. The fact of the matter is that the present application explicitly illustrates and discusses elements between the jacket and the separation layer. For instance, Figure 4 illustrates a ripcord 54 disposed between the separation layer and the jacket. Likewise, other suitable cable components may also have this arrangement along with other cable configurations. Therefore, Applicants disagree with the Office Action's reasons for allowance of claim 1. Furthermore, the amendment of claims 1 and 10 is not an admission that the art of record disclose, teaches, or otherwise suggests the features of the claims.

No new fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,

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United States Patent [19]

Gartside, III et al.

[11] Patent Number: **4,701,016**[45] Date of Patent: **Oct. 20, 1987****[54] THIXOTROPIC GREASE COMPOSITION AND CABLE COMPRISING SAME**

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[73] Assignee: American Telephone and Telegraph Company, AT&T Bell Laboratories, Murray Hill, N.J.

[21] Appl. No.: 697,054

[22] Filed: Jan. 31, 1985

[51] Int. Cl.⁴ G02B 6/44; H01B 7/00; H02G 15/00; B01J 13/00

[52] U.S. Cl. 350/96.23; 350/96.10; 174/70 R; 174/110 SR; 174/118; 523/173; 252/315.01; 252/315.4; 252/315.5

[58] Field of Search 350/96.10, 96.23, 96.34; 174/110 SR, 110 B, 110 N, 110 FC, 110 S, 110 F, 110 E, 120 SR, 121 SR, 118, 70 R; 252/9, 21, 43, 315.01, 315.1, 315.2, 315.5, 315.6; 523/173

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[57]

ABSTRACT

A grease composition comprising oil, colloidal particle filler, and, optionally, a bleed inhibitor is disclosed. The grease typically has a critical yield stress below 140 Pa at 20° C., preferably below 70 or 35 Pa. The grease can advantageously be used as a cable filling material, especially for optical fiber cable. In the latter case it can result in cable having substantially no cabling loss. Preferred compositions comprise 77 to 93% b.w. of ASTM type 103, 104A, or 104B paraffinic or naphthenic oil, or polyisotene oil; 2 to 15% b.w. of hydrophobic or hydrophobic fused silica; and optionally, up to 15% b.w. of styrene-rubber or styrene-rubber-styrene block copolymer, or semiliquid rubber.

11 Claims, 7 Drawing Figures